

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

SMS DEMAG AG

PLAINTIFF

VS.

NO. 3:06CV0060 GTE

XTEK, INC.

DEFENDANT

STIPULATED ORDER FOR SCHEDULE SETTING DATES

By agreement of the Parties, it is hereby ordered that the following schedule setting dates for exchange of information relating to the parties joint claim construction shall be entered:

January 10, 2007 - Mutual exchange of hard copies of claim terms that the parties contend should be construed by the court via Federal Express Priority Overnight (or equivalent) on January 10, 2007 for delivery first thing the morning of January 11, 2007.

January 22, 2007 - Mutual exchange of each party's proposed construction of all terms exchanged by both parties, by hard copy via Federal Express Priority Overnight (or equivalent), on January 22, 2007 for delivery first thing the morning of January 23, 2007.

January 23, 2007 - January 25, 2007 - Communications by the parties to determine the construction of those terms on which the parties agree.

January 29, 2007 - Mutual exchange of the parties' contentions of the disputed claim terms, including the information set forth in Paragraphs I. (2) and I.(3) of the Court's December 5, 2006 Order, by hard copy via Federal Express Priority Overnight (or equivalent), on January 29, 2007 for delivery first thing the morning of January 30, 2007.

February 6, 2007 - Mutual exchange by e-mail at 3:00 p.m. EST of the parties' "final" positions.

February 8, 2007 – February 9, 2007 - Assembly, circulation for approval and filing of the Joint Claim Construction Statement.

Defendant Xtek, Inc. ("Xtek") is concerned that if plaintiff SMS Demag AG ("SMS") were to use SMS confidential information in the claim construction process, Xtek's access to documents and information concerning the process might be impaired. In view of this concern,

as soon as it becomes apparent that SMS desires to use SMS confidential information in any of the documents or information that is to be exchanged during the procedure set forth above, SMS will immediately notify Xtek of its intention to use such information. The parties will then confer on the use of such information. If the parties cannot agree, the matter will immediately be brought to the attention of the Court for decision as soon as the Court can address the issue. The parties agree that use of SMS confidential information in the claim construction process is highly unlikely.

IT IS SO ORDERED, this 11th day of January, 2007.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE